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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Jamie Sandoval,

Defendant.

Case No. 2:15-cr-00159-JCM-NJK

Motion for Rule 17(c) subpoena

Jamie Sandoval moves under Federal Rules of Criminal Procedure 17(c) for the issuance of a subpoena for his medical records from the Nevada Department of Corrections. Undersigned requests that the subpoena be "issued" to the Federal Defender's Office for service by an FPD investigator rather than being forwarded to the USMS for service.

1. I am an Assistant Federal Public Defender for the District of Nevada and the attorney for Jamie Sandoval.
 2. It is my professional judgment that my client's medical records are necessary to determine whether he is eligible for compassionate release or any other relief in light of COVID-19.
 3. These documents are not otherwise procurable by exercise of due diligence as the Nevada Department of Corrections requires a court order.
 4. Witness:

Nevada Department of Corrections
Attn: Custodian of Records
Stewart Facility Bldg. 17, 5500 Snyder Ave.
Carson City, NV 89701
 5. The proposed subpoena prepared on this Court's standard form is attached as Exhibit A.

Dated: July 9, 2020

Respectfully submitted,
Rene L. Valladares
Federal Public Defender

/s/ Andrew Wong

Andrew Wong
Assistant Federal Public Defender

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

V.

Jamie Sandoval,

Defendant.

Case No. 2:15-cr-00159-JCM-NJK

Order for Production of Documents

Jamie Sandoval,
Defendant.

Upon motion of Jamie Sandoval pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Nevada Department of Corrections must produce all medical records pertaining to Jamie Sandoval as set forth in the subpoena.

DATED: October 16, 2020.

James C. Mahan
James C. Mahan
United States District Court

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 The undersigned hereby certifies that he is an employee of the Federal
3 Public Defender for the District of Nevada and is a person of such age and
4 discretion as to be competent to serve papers.

5 That on July 9, 2020, he served an electronic copy of the above and foregoing
6 **Motion for Rule 17(c) subpoena** by electronic service (ECF) to the person named
7 below:

8
9 NICHOLAS A. TRUTANICH
10 United States Attorney
11 ADAM M. FLAKE
12 Assistant United States Attorney
13 501 Las Vegas Blvd. South
14 Suite 1100
15 Las Vegas, NV 89101

16
17 */s/ Brandon Thomas*
18 Employee of the Federal Public
19 Defender

EXHIBIT A

EXHIBIT A

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT
for the
District of Nevada

United States of America)	
v.)	
Jamie Sandoval)	Case No. 2:15-cr-00159-JCM-NJK
<hr style="border-top: 1px solid black;"/>		
Defendant)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Nevada Department of Corrections, Attn: Custodian of Records
Stewart Facility Bldg. 17, 5500 Snyder Ave., Carson City, NV 89701

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See attached Order for details.

Place: L.D. George United States Courthouse
333 Las Vegas Boulevard
Las Vegas, NV 89101

Date and Time:

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Jamie Sandoval _____, who requests this subpoena, are:

Andy Wong, Law Offices of the Federal Public Defender/ Andrew_Wong@fd.org
411 E. Bonneville Ave., Ste. 250, Las Vegas, NV 89101/ (702) 388-6577

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case (Page 2)

Case No. 2:15-cr-00159-JCM-NJK

PROOF OF SERVICE

This subpoena for (*name of individual and title, if any*) NDOC
was received by me on (*date*) _____.

I served the subpoena by delivering a copy to the named person as follows:

_____ on (*date*) _____; or

I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

- (1) In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.
- (2) Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.
- (3) Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.
- (d) Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

- (1) In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.
- (2) In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.
- (g) Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).